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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,962	02/27/2004	Federico Uslenghi	60246-340	9175

26096 7590 10/12/2006

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EXAMINER

MAYEKAR, KISHOR

ART UNIT	PAPER NUMBER
1753	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,962

Applicant(s)

USLENGHI ET AL.

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase "the controller activates" needs to be replaced with the phrase --the controller is configured to activate-- to eliminate reference to a method of operating the device.

In claim 2, the same is applied to claim 1 to the phrase "the ultraviolet light source activates".

In claim 3, the same is applied to claim 1 to the phrase "the controller activates".

In claim 4, the same is applied to claim 1 to the phrase "the controller activates".

In claim 12, the same is applied to claim 1 to the phrase "the controller activates".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisfeld et al. (US 6,884,399 b2) in view of either Golstein (US 4,210,429) or Gibson (US 6,869,468 B2). Reisfeld's invention is directed to a modular photocatalytic air purifier. Reisfeld discloses in Figs. 4 and 1 that the air purifier comprises the recited outer compartment and inner compartment. Reisfeld also discloses in col. 5, lines 5-19 a controller for controlling UV light source and in col. 2, lines 21-37 a method thereof. The difference between Reisfeld and the above claims is the provision of the recited switch or the recited sensing step. Golstein shows in air purifier the provision of the recited switch wherein the switch is normally open until a filtering device is in contact with the switch thus closing the switch and permitting power o the UV light source (Figs. 2, 3 and 6; and col. 4, lines 3-25 and col. 5, lines 36-59). Gibson shows the same in air treatment device (col. 2, lines 57-65 and paragraph crossing cols. 3 and 4). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention

was made to have modified Reisfeld's teachings as suggested by either Golstein or Gibson because this would prevent UV light leaks from the module when the filtering device is not in place and for safety reason of preventing exposure to UV light. Further, it has been held that the motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have.

As to the subject matter of each of claims 2 and 4, Reisfeld discloses it in Fig. 1.

As to the subject matter of each of claims 5 and 13, Reisfeld discloses it in Fig. 4.

As to the subject matter of each of claim 6, the placement of the switch proximate to the first end of the inner compartment would have been within the level ordinary skill in the art as this would provide the contacting between the switch and the filtering device.

As to the subject matter of claim 8, since Reisfeld discloses in col. 5, lines 58-64 that in the retracted position the air purifier can be access for maintenance or removal and that one end of the inner compartment is pivotally attached to the outer compartment and is hinged at the first end, and in Fig. 4 the air purifier is substantially parallel to the outer compartment in the in-use position, Reisfeld's air purifier appears to lead one skilled in the art that the inner compartment can be pivotal to any position away from the in-use position, this including the position perpendicular to the outer compartment in the retracted position.

As to the subject matter of claims 10, Reisfeld discloses it in col. 4, lines 8-25.

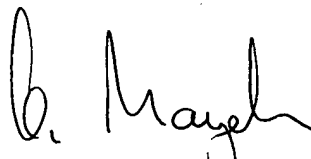
As to the subject matter of claim 11, Reisfeld discloses it in col. 3, lines 44-60

herein the honeycomb inherently possesses the recited hexagonal shape.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kishor Mayekar
Primary Examiner
Art Unit 1753